

REMARKS

In the office action mailed June 23, 2004, the Examiner rejected all pending claims, claims 1-14 under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. JP 11-82095 to Kawai *et al.* (hereinafter "Kawai").

The Applicants have amended claims 1 and 8 to further clarify the present invention. No new matter has been added.

The rejection is respectfully traversed. The Examiner relies on Kawai as anticipating the claims of the above-identified application. Kawai discloses an intake device for an internal combustion engine. *See* Kawai, Abstract and Figures. In this intake device, auxiliary passages 82 and 84 are made in the surge tank 30. *Id.* The auxiliary passages 82 and 84 in Kawai are of substantially uniform dimension in cross-section throughout their entire length. *See* Kawai, FIGS. 1 and 2. Furthermore, at the point of entry of the auxiliary passage 82 with the surge tank 30, the auxiliary passage 82 enters the surge tank 30 at a right angle, *i.e.*, 90 degrees. *Id.* FIGS. 2 and 3.

In contrast, the present invention discloses and claims a bypass passage system including bypass passages 11 and 22 having an enlarged chamber 21 positioned within the bypass passageway. *See* Above-Identified Application, paragraphs 8, 9, and 18, and FIGS. 1 and 3. Chamber 21 is disclosed to be an enlarged chamber, with respect to the passages 11 and 22, respectively, and functions to temporarily store intake air. *Id.* This enlarged chamber 21 positioned within communication between the passages 11 and 22, respectively, is NOT disclosed in Kawai. Independent claims 1 and 12 of the above-identified application particularly claim this novel feature. Specifically, claim 1 recites the chamber having a larger cross-sectional area than the bypass passage and claim 12 recites the bypass passage having an enlarged chamber. *See*, independent claims 1 and 12. In light of this feature that is not disclosed in Kawai, these claim can not be anticipated by Kawai. Therefore, the Applicants respectfully request the Examiner remove the rejection and allow the claims.


The Examiner further asserts that claim 8 is anticipated by Kawai. *See* Office Action dated June 23, 2004. As established above, Kawai discloses an auxiliary passage 82 that enters a surge tank 30 at a right angle, *i.e.*, 90 degrees. *See* Kawai, FIGS. 2 and 3. In contrast, the above-identified application discloses the passage outlets into a main passage gradually confluent with the main passage or inclined toward the main passage between not

less than about 20 degrees and not more than about 40 degrees. *See* Above-Identified Application, paragraphs 7, 10, 19, and 20, and FIG. 3. Having the passage enter the main passage at such an angle reduces noise, such as piping sounds, generated by air passing through the bypass passages. *Id.* In particular, claim 8 recites that the passage outlets into a main passage at between not less than about 20 degrees and not more than about 40 degrees. *See* Above Amendment, claim 8. This feature is not shown in Kawai, which discloses the passage outlet at a right angle or 90 degrees. *See* Kawai, FIGS. 2 and 3. As a result, Kawai does not anticipate independent claim 8 of the above-identified application. Therefore, the Applicants respectfully request the Examiner remove the rejection and allow the claims.

In view of the foregoing remarks, it is believed that the application as a whole is in form for allowance. Should the Examiner have any continuing objections, the Applicants respectfully ask the Examiner to contact the undersigned at 415-442-1106 in order to expedite allowance of the case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060944-0119).

Respectfully submitted,

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